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OFFICE OF PETITIONS

In re Application of :
Robert R. Granados :
Application No. 10/532,288 :
Filed: April 21, 2005 :
Attorney Docket No. BTI-73US :
:

ON PETITION

This is a decision on the petition under 37 CFR 1.313(a), filed November 22, 2006, to withdraw the above-identified application from issue.

The petition is **DISMISSED**.

Petitioner requests that the present application be withdrawn from issue for consideration of a request under 37 CFR 1.48 to correct the inventorship in this application.

37 CFR 1.313(a) states, in part:

Applications may be withdrawn from issue for further action at the initiative of the Office or upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

As such, a grantable petition requesting withdrawal of an application from issue must be accompanied by: (1) a showing of good and sufficient reasons why withdrawal of the application from issue is necessary; and (2) the requisite petition fee under 37 CFR 1.17(h). The petition fee of \$130 has been received.

However, the petition does not set forth good and sufficient reasons as to why withdrawal of the application from issue is necessary. The mere submission of a request under 37 CFR 1.48(a) to correct the inventorship does not make withdrawal of the application from issue necessary. In this regard, consideration of the request to correct the inventorship may be considered without the necessity of withdrawing the application from issue. Accordingly, this application will not be withdrawn from issue under the provisions of 37 CFR 1.313(a).

A Notice of Allowance and Fee(s) Due was mailed on October 3, 2006, requiring the submission of the \$700 issue fee and \$300 publication fee. These fees must be paid on or before the due date of January 3, 2007 in order to avoid the abandonment of this application.

Any inquiries regarding this decision should be directed to the undersigned at (571) 272-3218.

Technology Center 1600 has been notified of the request under 37 CFR 1.48(a). A request under 37 CFR 1.48(a) is decided by the primary examiner. *Note* MPEP 1002.02(e). Accordingly, inquiries concerning the status of the rule 48(a) request should be directed to the primary examiner. The Director of Technology Center AU 1600 has the authority to withdraw this application from issue should it be deemed necessary.


Frances Hicks
Petitions Examiner
Office of Petitions